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7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

| | | |
|------------------------------|---|----------------------------|
| 10 UNITED STATES OF AMERICA, |) | No. CR 07-00470 CW |
| |) | AMENDED |
| 11 Plaintiff, |) | STIPULATION AND ORDER TO |
| |) | EXCLUDE TIME |
| 12 v. |) | |
| |) | Date: December 5, 20067 |
| 13 HEIU THAI, |) | Time: 2:30 p.m. |
| |) | Court: Hon. Claudia Wilken |
| 14 Defendant. |) | U.S. District Court |
| 15 _____ |) | |

16 This matter is currently scheduled for a status hearing on Wednesday, December 5, 2007, at
17 2:30. The parties jointly request that this hearing date be continued to the new date of January 23,
18 2008, at 2:30 p.m. At this time, defendant is still completing additional investigation regarding Mr.
19 Thai's role in the charged offense. In addition, the parties are in negotiations regarding possible
20 resolution. Defendant requires this additional time to complete the pending investigation. Also,
21 during this time defense counsel will be out of the office and unavailable for two weeks.

22 The parties further stipulate and agree that the time between December 5, 2007, and January
23 23, 2008 should be excluded under the Speedy Trial Act to afford the defendant the reasonable time
24 necessary for effective preparation, and for continuity of counsel. 18 U.S.C. §3161(h)(8)(A) and
25 (b)(iv).
26

1 SO STIPULATED.

2 Dated: December 3, 2007 /S/

3 HILARY A. FOX
4 Attorney for Defendant Thai

5 SO STIPULATED.

6 Dated: December 3, 2007 /S/

7 KESLIE STEWART
8 Assistant United States Attorney

9 SIGNATURE ATTESTATION

10 I hereby attest that I have on file all holograph signatures for any signatures indicated by
11 a "conformed" signature (/S/) within this e-filed document.

12 ORDER

13 Good cause appearing therefore, and pursuant to the stipulation of the parties, it is hereby
14 ORDERED that the hearing currently set for Wednesday, December 5, 2007, at 2:30 p.m. is
15 continued to Wednesday, January ²³~~3~~, 2008, at 2:30 p.m. in the Federal Courthouse in Oakland,
16 California. The Court further finds that the period from December 5, 2007 through January 23,
17 2008, shall be excluded under the Speedy Trial Act, 18 U.S.C. §3161(h)(8)(A) and (b)(iv), because
18 the ends of justice served by this continuance outweigh the best interest of the public and the
19 defendant in a speedy trial. The Court finds, based on the stipulation of the parties, that the
20 continuance is necessary to afford the defendant the reasonable time necessary for effective
21 preparation, taking into account the exercise of due diligence, and for continuity of counsel.

22 IT IS SO ORDERED.

23 4

24 Dated: _____, 2007



25 CLAUDIA WILKEN
26 United States District Court